S.B. CIVIL WRIT PETITION NO.6146/2005

Raj. Financial Corporation
vs.
Board of Industrial and Financial Construction & Anr.

Date : 19.10.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. R Joshi, for the petitioner.

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Heard learned counsel for the petitioner.

The only grievance of the petitioner RFC is that the respondent no.2 submitted a petition before the respondent no.1 – Board of Industrial and Financial Construction (BIFR) but the petitioner's objection (Annex.1) against the said application of the respondent no.2 has not been decided. This objections were filed on 19.10.2004.

Learned counsel for the petitioner further submitted that even the respondent no.2 also submitted the application before the respondent no.1 and prayed that he may be permitted to withdraw the reference from BIFR, copy of which is placed on record as Annex.2.

According to learned counsel for the petitioner, no date has been given by BIFR for hearing of application of petitioner or passing any order on the application filed by respondent no.2 nor, according to knowledge of the petitioner, the reference petition filed by the respondent no.2 has been dismissed as withdrawn on respondent no.2's

application despite the fact that much time has passed and because of this pendency of the petition before BIFR, the petitioner cannot recover any amount from the respondent no.2, therefore, directions may be issued to the respondent no.1 to pass appropriate order on the applications filed by the petitioner as well as respondent no.2.

This only prayer of the petitioner is to the effect of passing any order by the competent authority on the objection petition of the petitioner and application filed by respondent no.2 seeking permission to withdraw the reference from BIFR, therefore, BIFR is requested to consider the matter expeditiously as early as possible according to their own timetable.

With the aforesaid observations, this writ petition is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya